

COMMITTEE ON JUDICIARY

*Representative Eddie Farnsworth, Chairman
Representative Adam Driggs, Vice-Chairman
Kristine Stoddard, Legislative Research Analyst*



*	Strike-everything Amendment
[E]	Emergency Clause
[P 105]	Proposition 105 Clause
[P 108]	Proposition 108 Clause

Bill	Chapter	Short Title	Page
HB 2109	251	interstate compact; annual assessment	79
HB 2129	97	internet age misrepresentation	79
HB 2190	171	constable ethics; board; membership	79
HB 2207	301	sentencing; reorganization	79
HB 2213	62	uniformed overseas voters; electronic transmittal	79
HB 2248	205	electronic communications; harassment; order; protection	79
HB 2257	50	precinct registers; information; fee.....	79
HB 2275	288	*budget reconciliation; health..... <i>(See Committee on Appropriations)</i>	10
HB 2288	244	[E] initiative and referendum amendments.....	79
HB 2321	237	*factual innocence; judicial determination; procedure	79
HB 2443	109	constables; ethics; training	79
HB 2444	179	aggravated assault; constables.	79
HB 2451	110	election security provisions	80
HB 2480	219	aggravated luring; minors; sexual exploitation	80
HB 2481	304	*special health care districts; terms..... <i>(See Committee on Health)</i>	58
HB 2486	3	prohibited possessors; undocumented aliens.....	80
HB 2554	138	justice courts; criminal actions; jurisdiction	80
HB 2634	269	concealed weapons permit; felony convictions	80
HB 2793	154	census; precinct line freeze	80
HB 2813	308	*civil action; affirmative defense	80
HB 2842	170	forgery; drop house property transactions	67
		<i>(See Committee on Homeland Security and Property Rights)</i>	
SB 1013	7	arrest warrants; child support; fiduciary.....	80
SB 1016	209	unlawful sexual conduct; correctional facilities	80

SB 1018	8	writ of restitution; judgment	81
SB 1021	9	community notification.....	81
SB 1022	76	jury fees; technical correction.....	81
SB 1053	273	[E] *elections; observation; counting center.....	81
SB 1055	23	civil rights advisory board; continuation.....	81
SB 1059	41	elections; counting center video; multiple	81
SB 1067	24	escape; definition	81
SB 1068	25	criminal appeals	81
SB 1071	11	[E] sample ballot stripe, primary elections.....	81
SB 1186	82	judicial performance reviews; court commissioners.....	81
SB 1274	69	ACJC; cold case investigation protocol	81
SB 1332	276	DNA testing; arrest	81
SB 1336	210	sexual conduct; minor; school teacher.....	82
SB 1354	296	accomplice liability.....	82
SB 1355	195	attempted dangerous crimes against children.....	82
SB 1412	282	biological evidence; retention; preservation	82
SB 1486	91	notary public; name change.	82

HB 2109 – Chapter 251 – interstate compact; annual assessment

Removes the \$25,500 cap on Arizona's annual assessment paid as a compacting state to the Interstate Commission for Adult Offender Supervision and requires the Arizona State Council to notify JLBC of any increase in the assessment.

HB 2129 – Chapter 97 – internet age misrepresentation

Stipulates that a person commits *unlawful age misrepresentation* if the person is at least 18 years of age and, knowing or having reason to know that the recipient of a communication is a minor, uses an electronic communication device to knowingly misrepresent the person's age for the purpose of committing an offense that would require registration as a sex offender.

HB 2190 – Chapter 171 – constable ethics; board; membership

Stipulates that one of the voting members of the Constable Ethics Standards and Training Board (CESTB) must be a board member of the Arizona Multihousing Association at the time of appointment to the CESTB.

HB 2207 – Chapter 301 – sentencing; reorganization

Reorganizes the criminal sentencing statutes contained throughout Title 13 of the Arizona Revised Statutes.

HB 2213 – Chapter 62 – uniformed overseas voters; electronic transmittal

Allows the county recorder or other officer in charge of elections to receive completed early ballot forms from absent uniformed services and oversees voters via electronic formats other than fax.

HB 2248 – Chapter 205 – electronic communications; harassment; order; protection

Requires the court to review any evidence of harassment by electronic contact or communication that is submitted to the court by plaintiffs who are filing petitions for injunctions prohibiting harassment or for orders of protection.

HB 2257 – Chapter 50 – precinct registers; information; fee

Reduces the price of official electronic copies of precinct lists from \$.10 to \$.01 per name.

HB 2288 – Chapter 244 [E] – initiative and referendum amendments

Modifies deadlines and procedures relating to initiatives and referendums, affecting the solicitation, verification, and counting of signatures. Further, outlines the notification duties of the Secretary of State pertaining to political committees.

HB 2321 – Chapter 237 – *factual innocence; judicial determination; procedure

Outlines procedures relating to judicial determinations of factual innocence and factual improper party status.

HB 2443 – Chapter 109 – constables; ethics; training

Increases the minimum amount of annual training that constables are required to attend from eight hours to 16 hours and allows monies from the Constable Ethics Standards and Training Fund to be used to pay for constable training.

HB 2444 – Chapter 179 – aggravated assault; constables.

Adds constables or persons summoned and directed by a constable while engaged in the execution of any official duties to the list of persons against whom assault is classified as aggravated assault if the offender knows or has reason to know that the victim is such.

HB 2451 – Chapter 110 – election security provisions

Makes numerous changes relating to election security.

- Specifies that for any primary or general election in which the votes are cast on an electronic voting machine or tabulator, the election judge must compare the number of votes cast as indicated on the electronic voting machine or tabulator with the number of votes cast as indicated on the poll list and the number of provisional ballots cast; and the information compiled by the election judge must be noted in a written report and submitted to the officer in charge of elections along with other tally reports.
- Requires the county recorder or other officer in charge of elections to maintain a record of the chain of custody for all ballots and election equipment used during early voting through the completion of provisional voting tabulation.

HB 2480 – Chapter 219 – aggravated luring; minors; sexual exploitation

Classifies *aggravated luring a minor for sexual exploitation* as a Class 2 felony and as a Dangerous Crime Against Children if the victim is under the age of 15.

HB 2486 – Chapter 3 – prohibited possessors; undocumented aliens

Changes the definition of *prohibited possessor* relating to undocumented or nonimmigrant aliens.

HB 2554 – Chapter 138 – justice courts; criminal actions; jurisdiction

Prohibits time payment fees and any penalties or other added assessments levied from being considered as part of the fine for a misdemeanor or criminal offense for the purposes of determining justice of the peace court jurisdiction.

HB 2634 – Chapter 269 – concealed weapons permit; felony convictions

Expands the list of conditions that applicants convicted of a felony must meet for a permit to carry a concealed weapon.

- Allows DPS to issue a permit to an applicant who, among other requirements, has a felony conviction that has been expunged, set aside or vacated; or the applicant's rights have been restored and the applicant is currently not a prohibited possessor under state or federal law.
- Allows persons with a concealed weapons permit from another state whose rights have been restored and the conviction expunged to carry a concealed weapon.

HB 2793 – Chapter 154 – census; precinct line fees

Prohibits county boards of supervisors from changing election precinct lines after July 31, 2008 until January 1, 2011.

HB 2813 – Chapter 308 – *civil action; affirmative defense

Allows the finder of fact in any civil action to find the defendant not liable for harm that the claimant incurred as a result of attempting to commit, committing or fleeing from a felony or misdemeanor act, provided the defendant proves certain facts.

SB 1013 – Chapter 7 – arrest warrants; child support; fiduciary

Removes the statement that facsimiles of judicial officers' signatures that are applied to fiduciary or child support arrest warrants under the supervision of the judicial officers are deemed to be the authorized signatures.

SB 1016 – Chapter 209 – unlawful sexual conduct; correctional facilities

Clarifies that a person commits unlawful sexual conduct by *intentionally* or *knowingly* engaging in any act of a sexual nature with an offender.

SB 1018 – Chapter 8 – writ of restitution; judgment

Clarifies that a court issues a writ of restitution if the defendant is found *guilty of forcible entry and detainer* or *forcible detainer*.

SB 1021 – Chapter 9 – community notification.

References the court's ability to continue, defer or terminate community notification after an annual probation hearing for a registered sex offender under 22 years of age in the statute pertaining to community notification.

SB 1022 – Chapter 76 – jury fees; technical correction

Corrects a statutory cross-reference relating to compensation given to persons serving on a state grand jury by replacing the reference to A.R.S. § 21-211 with a reference to A.R.S. § 21-221.

SB 1053 – Chapter 273 [E] – *elections; observation; counting center

Makes numerous changes to election statutes including, but not limited to, provisions related to security, congressional vacancies and political committees.

SB 1055 – Chapter 23 – civil rights advisory board; continuation

Continues the Arizona Civil Right Advisory Board for ten years. Applies retroactive to July 1, 2008.

SB 1059 – Chapter 41 – elections; counting center video; multiple

Repeals A.R.S. § 16-621, as amended by Laws 2007, Ch. 259, § 1, relating to live video recordings of the proceedings at ballot counting centers.

SB 1067 – Chapter 24 – escape; definition

Excludes time spent on escape status when calculating whether a prior offense occurred within the requisite time period to be considered a *historical prior felony conviction* for sentencing purposes. Merges conflicting versions of A.R.S. § 13-604 relating to the sentencing of criminal street gang activity and the definition of *serious offense*.

SB 1068 – Chapter 25 – criminal appeals

Prohibits a defendant from appealing a final judgment of conviction or verdict of guilty except insane or from appealing an order denying a motion for a new trial if the defendant's absence prevents sentencing from occurring within 90 days after conviction and the defendant fails to prove the absence was involuntary.

SB 1071 – Chapter 11 [E] – sample ballot stripe; primary elections

Allows official sample primary election ballots to be printed on white paper with a colored stripe for each party represented on the ballot.

SB 1186 – Chapter 82 – judicial performance reviews; court commissioners

Requires the Arizona Supreme Court to adopt and administer a process for evaluating Superior Court Commissioners in counties with a population of 250,000 persons or more.

SB 1274 – Chapter 69 – ACJC; cold case investigation protocol

Requires the Arizona Criminal Justice Commission to gather and disseminate information pertaining to best practices for cold case investigations, including effective victim communication procedures. Defines *cold case*.

SB 1332 – Chapter 276 – DNA testing; arrest

Exempts certain agencies from securing samples for DNA testing if DPS is currently maintaining a sample.

SB 1336 – Chapter 210 – sexual conduct; minor; school teacher

Adds teachers, clergymen, and priests to the list of persons for whom sexual conduct with a minor who is at least 15 years of age is a Class 2 felony.

SB 1354 – Chapter 296 – accomplice liability

Expands accomplice liability to include any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.

SB 1355 – Chapter 195 – attempted dangerous crimes against children

Adds certain preparatory offenses committed against minors who are under 12 years of age to the list of Dangerous Crimes Against Children in the second degree that are classified as Class 3 felonies with enhanced sentencing.

SB 1412 – Chapter 282 – biological evidence; retention; preservation

Requires governmental agencies to retain biological evidence in a condition that is suitable for DNA testing for the duration of the convicted person's incarceration or supervised release or for 55 years in a cold case.

SB 1486 – Chapter 91 – notary public; name change.

Expands the procedures relating to surname changes of notaries due to marriage to apply to all surname changes of notaries.